

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	2:07cr322-MHT
	)	(WO)
JOHN W. GOFF	)	

ORDER

This cause is now before the court on defendant John W. Goff's motion to proceed on appeal in forma pauperis.

28 U.S.C. § 1915(a)(3) provides that "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." In making this determination as to good faith, a court must use an objective standard, such as whether the appeal is "frivolous," *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or "has no substantive merit." *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 15, 1981) (per curiam); see also *Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam); *Morris v. Ross*, 663 F.2d 1032 (11th Cir.

1981). Applying this standard, this court is of the opinion that Goff's appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. See, e.g., *Rudolph v. Allen*, *supra*; *Brown v. Pena*, 441 F. Supp. 1382 (S.D. Fla. 1977), *aff'd without opinion*, 589 F.2d 1113 (5th Cir. 1979). Goff has provided no statement of the grounds for his appeal, as he is required to do by Federal Rule of Appellate Procedure 24(a)(1)(C). In any case, as the court explained in the order denying his motion for sentence reduction (doc. no. 232), Goff does not qualify for a reduction under 18 U.S.C. § 3582(c) and has failed to point to any other valid basis for the court to grant the requested reduction.

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Accordingly, it is ORDERED that Goff's motion to proceed on appeal in forma pauperis is denied; and that the appeal in this cause is certified, pursuant to 28

U.S.C. § 1915(a)(3), as not taken in good faith.

DONE, this the 20th day of November, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE